

APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
February 22, 2006

1 Time: The meeting was called to order by Chair Pollack at 8:05 p.m.

2
3 Location: North Berkeley Senior Center.

4
5 **ROLL CALL**

6
7 Commissioners Present: Sheen, Samuels, Wengraf, Burke, Pollack, DeStaebler, Gurley,
8 Stoloff, Poschman.

9
10 Commissioners Absent: None.

11
12 Staff Present: Paine, Rhoades, Gatzke, Baar

13
14 **ORDER OF THE AGENDA**

15 Item 12 would be held over to the next meeting. Item 9 would follow Item 10.

16
17 **PUBLIC COMMENT PERIOD**

18 Speaker 1: Patricia Swift spoke about by-right additions and encouraged modifications to
19 the ordinance.

20
21 Speaker 2: Bruce Clymer spoke in favor of all building additions requiring an AUP and
22 public hearing.

23
24 **PLANNING STAFF REPORT**

25 Planning Manager Rhoades delivered the Planning Staff Report. Staff will deliver
26 communications regarding the revisions of the Creeks Ordinance in the upcoming
27 packets.

28
29 The proposed Transportation Services Fee was not on the agenda but was anticipated to
30 be back to the Planning Commission at the March 8 meeting.

31
32 The Landmarks Preservation Ordinance did not go to Council on February 21 and is will
33 return to Council on March 7. The Commission requested a memo summarizing the
34 current status of the LPO item.

35
36 The City Council postponed discussion of the Condo Conversion Ordinance and so
37 Housing staff's presentation to the Planning Commission was delayed to a future
38 meeting.

39
40 Revisions to the Zoning Ordinance regarding the DRC Chair would be routed to the LPC
41 and ZAB for consideration and input prior to Planning Commission review. Staff is
42 adding a few other items to the amendment, following Mayor's Task Force and General
43 Plan goals.

44
45 The new Chair and Vice Chair would be elected at the meeting but not take their seats
46 until the next meeting.

**APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
February 22, 2006**

47 **CHAIRPERSON'S REPORT**

48 None.

49

50 **COMMITTEE REPORTS**

51 **Creeks Task Force:** Commissioner Burke reported on the Public Hearing that was held
52 on February 15. The Joint Public Hearing of the Planning Commission and the Creeks
53 Task Force would be on March 22.

54

55 **Density Bonus Subcommittee:** Commissioner Wengraf reported on the February 21
56 meeting of the Subcommittee. She noted that a straw vote was taken in favor of
57 examining optional in lieu fees for inclusionary units. The next meeting would be held on
58 March 7 from 3:30-6:00 PM in the Second Floor Conference Room in the Permit Center.

59

60 **Downtown BART Plaza and Transit Area Design Plan Citizens Advisory**

61 **Committee:** Commissioner Sheen reported that no meeting had been held since the last
62 Planning Commission meeting. The next meeting would be held in March.

63

64 **Downtown Area Plan Citizen Advisory Committee:** Commissioner Wengraf resigned
65 from the DAPAC. Chair Pollack replaced her with Commissioner Samuels.

66

67 M/S/C in favor or Commissioner Samuels serving on the DAPAC. (Burke/Gurley) Ayes:
68 Sheen, Samuels, Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes:
69 None. Abstain: None. Absent: None.

70

71 Planning Manager Rhoades reported that the Council had voted unanimously to allow
72 three ex officio members from the University to sit on the DAPAC.

73

74 The Commission requested a copy of this decision in their next packet.

75

76 **Major Residential Additions Subcommittee:** Commissioner Wengraf reported that the
77 first meeting of the MRA Subcommittee would be held on Tuesday February 28 at 3 PM
78 in the second floor conference room in the Permit Center.

79

80 **APPROVAL OF MINUTES**

81 M/S/C to approve the minutes from the February 8, 2006 meeting. (Poschman/Wengraf).
82 Ayes: Sheen, Samuels, Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman.
83 Noes: None. Abstain: None. Absent: None.

84

85 **UPCOMING AGENDA ITEMS**

86 None.

87

88 **ACTION ITEMS**

89

90 **10. Public Hearing: Approval of Tract Map 7726: 2700 San Pablo Avenue:**

91 **Proposed thirty-five (35) unit condominium project: one (1) commercial unit, four**

92 **(4) live-work and thirty (30) residential dwelling units:**

**APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
February 22, 2006**

93 M/S/C to open the public hearing. (Poschman/Wengraf). Ayes: Sheen, Samuels,
94 Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain:
95 None. Absent: None.

96
97 Speaker 1: Aran Kaufer represented the applicant and spoke in favor of the project.
98 The Commissioners asked the speaker questions about the project.
99

100 M/S/C to close the public hearing. (Poschman/Sheen). Ayes: Sheen, Samuels, Wengraf,
101 Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain: None.
102 Absent: None.

103
104 M/S/C to approve Tentative Tract Map 7726. (Wengraf/Stoloff). Ayes: Sheen, Samuels,
105 Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain:
106 None. Absent: None.

107
108 **9. Election of New Planning Commission Officers:**
109 Commissioner Stoloff nominated Commissioner Burke for Chair of the Planning
110 Commission.
111

112 M/S/C to close nominations for Chair. (Gurley/Wengraf) Ayes: Sheen, Samuels,
113 Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain:
114 None. Absent: None.

115
116 M/S/C in favor of Commissioner Burke as Chair. (Gurley/Samuels) Ayes: Sheen,
117 Samuels, Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None.
118 Abstain: None. Absent: None.

119
120 Commissioner Burke nominated Commissioner Stoloff for Vice Chair of the Planning
121 Commission.
122

123 M/S/C to close nominations for Vice Chair. (Poschman/Gurley) Ayes: Sheen, Samuels,
124 Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain:
125 None. Absent: None.

126
127 M/S/C in favor of Commissioner Stoloff as Vice Chair. (Poschman/Gurley) Ayes: Sheen,
128 Samuels, Wengraf, Burke, Pollack, DeStaebler, Gurley, Stoloff, Poschman. Noes: None.
129 Abstain: None. Absent: None.

130
131 Planning Manager Rhoades thanked Chair Pollack and Vice Chair Burke for their work.
132

133 **12. Public Hearing: Provision Extension in Inclusionary Housing Ordinance:** Chair
134 Pollack recused himself from this portion of the meeting stating that he is representing a
135 client on a related issue.
136

**APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
February 22, 2006**

137 M/S/C to open the public hearing. (Wengraf/Samuels). Ayes: Sheen, Samuels, Wengraf,
138 Burke, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain: None. Absent:
139 Pollack.

140
141 Speaker 1: Aran Kaufer spoke in favor of extending the ordinance.

142
143 Speaker 2: Jesse Arreguin encouraged the Planning Commission not to extend the
144 provision allowing affordability to be set at 120% AMI. He supported the other
145 provisions. He noted the HAC would be taking the issue up in March.

146
147 Speaker 3: Andy Katz spoke against the extension of the 120% AMI provision and
148 suggested that it might be extended for a short time while options were developed.

149
150 Speaker 4: Jason Overman spoke against the extension of the 120% AMI provision and
151 encouraged the Commission to support a provision setting affordability at 80% AMI.

152
153 M/S/C to close the public hearing. (Wengraf/Sheen) Ayes: Sheen, Samuels, Wengraf,
154 Burke, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain: None. Absent:
155 Pollack.

156
157 The Commissioners asked discussed the issues.

158
159 M/S/ in favor of extending the 120% provision for nine months and permanently
160 extending the other four provisions. (Wengraf/DeStaebler)

161
162 A substitute motion was made.

163 M/S/ to delay action for 60 days to hear back from the HAC and to permanently extend
164 the other four provisions. (Stoloff/Poschman)

165
166 Both motions were severed.

167
168 M/S/C to approve items 2-5 in the staff report. (Stoloff/Poschman). Ayes: Sheen,
169 Samuels, Wengraf, Burke, DeStaebler, Gurley, Stoloff, Poschman. Noes: None. Abstain:
170 None. Absent: Pollack.

171
172 M/S/C to delay action on the extension of 120% AMI affordability in order to receive
173 more information on 80% AMI and 120% AMI affordability options and to allow the
174 HAC to take up the item. (Stoloff/Poschman). Ayes: Sheen, Samuels, Burke, DeStaebler,
175 Gurley, Stoloff, Poschman. Noes: Wengraf. Abstain: None. Absent: Pollack.

176
177
178 **ADJOURNMENT**

179 **The meeting was adjourned at 9:50 PM**

180

181 Note on Commission Meeting Reporting:

APPROVED MINUTES OF SPECIAL PLANNING COMMISSION MEETING
February 22, 2006

182 In June 2005, the City Council adopted a plan that requires commission secretaries to
183 submit an annual report that summarizes for each meeting a) the number of
184 commissioners in attendance, b) the number of members of the public in attendance, c)
185 the number of speakers at Public Comment and d) the length of the meetings.

186

187 For the February 22, 2006 Planning Commission meeting, the following will be reported:

188 Commissioners in attendance: 9

189 Members of the public in attendance: 10

190 Speakers at Public Comment: 2

191 Length of the meeting: 1 hour 50 minutes